

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled METHOD AND APPARATUS FOR PROVIDING VARIABLE ATTENUATION TO DATA SIGNALS IN AN XDSL FREQUENCY RANGE, the specification of which is attached hereto;

That I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe that said invention, design or discovery was ever known or used in the United States of America before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application; that said invention, design or discovery has not been patented or made the subject of an inventor's certificate issued prior to the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Number | Country | Date Filed | Priority Claimed (Yes) (No) |
|--------|---------|------------|--------------------------------|
|--------|---------|------------|--------------------------------|

-----NONE-----

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not

disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| <u>Application Serial Number</u> | <u>Date Filed</u> | <u>Status</u> |
|--------------------------------------|-------------------|---------------|
| -----NONE----- | | |

I hereby appoint:

| | |
|---------------------------|-----------------|
| Jerry W. Mills | Reg. No. 23,005 |
| Robert M. Chiaviello, Jr. | Reg. No. 32,461 |
| Samir A. Bhavsar | Reg. No. 41,617 |
| James L. Baudino | Reg. No. 43,486 |
| Jeffery D. Baxter | Reg. No. 45,560 |
| Thomas A. Beaton | Reg. No. 46,543 |
| William R. Borchers | Reg. No. 44,549 |
| David M. Doyle | Reg. No. 43,596 |
| Thomas R. Felger | Reg. No. 28,842 |
| Thomas J. Frame | Reg. No. 47,232 |
| Charles S. Fish | Reg. No. 35,870 |
| Robert W. Holland | Reg. No. 40,020 |
| Keiko Ichiye | Reg. No. 45,460 |
| Jay B. Johnson | Reg. No. 38,193 |
| Christopher W. Kennerly | Reg. No. 40,675 |
| Tara D. Knapp | Reg. No. 43,723 |
| Douglas M. Kubehl | Reg. No. 41,915 |
| Ann C. Livingston | Reg. No. 32,479 |
| Kevin J. Meek | Reg. No. 33,738 |
| Harold E. Meier | Reg. No. 22,428 |
| Brian W. Oaks | Reg. No. 44,981 |
| Kurt M. Pankratz | Reg. No. 46,977 |
| Luke K. Pedersen | Reg. No. 45,003 |
| Barton E. Showalter | Reg. No. 38,302 |
| T. Murray Smith | Reg. No. 30,222 |
| Terry J. Stalford | Reg. No. 39,522 |
| Brian E. Szymczak | Reg. No. 47,120 |
| Matthew B. Talpis | Reg. No. 45,152 |
| David G. Wille | Reg. No. 38,363 |
| Bradley P. Williams | Reg. No. 40,227 |
| Scott F. Partridge | Reg. No. 28,142 |

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|------------------------|-----------------|
| James B. Arpin | Reg. No. 33,470 |
| Roger J. Fulghum | Reg. No. 39,678 |
| Thomas R. Nesbitt, Jr. | Reg. No. 22,075 |
| James J. Maune | Reg. No. 26,946 |
| Patent Agents: | |
| Brian A. Dietzel | Reg. No. 44,656 |
| Kevin R. Imes | Reg. No. 44,795 |

all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:

Baker Botts L.L.P.
2001 Ross Avenue
Dallas, Texas 75201-2980

Direct Telephone Calls To:

Barton E. Showalter
at 214.953.6509
Atty. Docket No. 062891.0439

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of the sole or first inventor:

Michael H. Capon

Inventor's signature

Date

Residence (City, County, State)

Austin, Travis County, Texas

Citizenship

United States of America

Post Office Address

16601 FM 1325 #636
Austin, Texas 78728

Full name of second inventor:

Robert A. Marshall

Inventor's signature

Robert A. Manshoff

Date

12-7-00

Residence (City, County, State)

Georgetown, Williamson County, Texas

Citizenship

United States of America

Post Office Address

324 Doe Run
Georgetown, Texas 78628

With the exception of the first, the other three are in the same order as in the original.